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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/568,408	03/13/2006	Stephane Guerineau	0526-1122	7615

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EXAMINER

MCGRAW, TREVOR EDWIN

ART UNIT	PAPER NUMBER
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3752

DATE MAILED: 10/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/568,408	Applicant(s) GUERINEAU, STEPHANE	
	Examiner Trevor McGraw	Art Unit 3752	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 September 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 5-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 5-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 September 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

Examiner's Comment

Examiner notes and makes clear for the record to Applicant that paragraph 3 should have referred to Claim 5 in lieu of Claim 1 in the Office Action mailed 06/07/2006. Examiner further notes that paragraphs 6 and 7 under ***Claim Rejections - 35 USC § 103*** should have referred to Claims 5-11 in lieu of Claims 1-8 in the Office Action mailed 06/07/2006.

Rejection under 35 USC § 112

Examiner withdraws rejection held under 35 USC § 112 Second Paragraph to Claim 5, line 11 in view of Applicant's amendment.

Examiner withdraws rejection held under 35 USC § 112 Second Paragraph to Claims 8, 10 and 11 in view of Applicant's amendment.

Examiner withdraws rejection held under 35 USC § 112 Second Paragraph to Claim 6 in view of Applicant's amendment.

Drawings

The drawings were received on 09/07/2006. These drawings are acceptable. Examiner withdraws objection to drawings held under 37 CFR 1.83(a) in office action mailed 06/07/2006.

Response to Arguments

Applicant's arguments filed 09/07/2006 have been fully considered but they are not persuasive. In regard to Applicant's assertion that prior art of record fails to teach an

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internal diameter, seat and smallest diameter to provide for dimensions that permit the use of a rotating jet nozzle with medium pressure supply are false. Although the prior art of record does not expressly state that the nozzles can be used with medium pressure supply's, the prior art of record can be modified as a mere design choice to provide for internal dimensions that are conducive for medium pressure conditions. Applicant attempts to show that the prior art of record teaches away from medium pressure and supplies the Examiner with Annex 1 and Annex 2 respectively. However, by Applicant's own admission in view of Annex 1 and Annex 2, the Dirtblaster[®] manufactured by the Karcher Company is a turbo jet nozzle that operates at a pressure below 100 bars with the Karcher 1400 PSI Electric Power Washer-K 2.93. Examiner also makes note that the Dirtblaster[®] can be operated at pressures between 0 and 2300 psi which encompasses pressures above 100 bars (1460 psi) and below 20 bars (290 psi) making the Dirtblaster[®] nozzle capable of low, medium and high pressure operation. Therefore, the Dirtblaster[®] nozzle manufactured by the Karcher Company can be used at a desired operational pressure to coincide with a surface to be cleaned (soft, firm, hard, etc.) and is further evidence that it is obvious to modify the internal dimensions of a rotating jet nozzle as further taught by Kranzle et al. (US 4,989,786).

Claim Rejections - 35 USC § 112

Claim 5 recites the limitation "the effect of water pressure" in line 5. There is insufficient antecedent basis for this limitation in the claim. Examiner suggest making proper reference to "the effect of water pressure" to ensure proper antecedence and positive claim recitation.

Claim 5 recites the limitation "the precessional movements " in line 8-9. There is insufficient antecedent basis for this limitation in the claim. Examiner suggest making proper reference to "the precessional movements" to ensure proper antecedence and positive claim recitation.

Claim 5 recites the limitation "the internal diameter" in lines 9-10 and 14. There is insufficient antecedent basis for this limitation in the claim. Examiner suggests making proper reference to "the internal diameter" to ensure proper antecedence and positive claim recitation.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 5-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kranzle et al. (US Patent 4,989,786).

In regard to claims 5-12, Kranzle et al. (4,989,786) teaches a nozzle (1) with a rotating jet (8) with a stationary body (3) that delimits an open cavity (4) receiving an injector (7a) whose end is driven with a circular motion about a pivot of the body (3) under the effect of water pressure with tangential flow acting on said injector (7a) whilst the other end of the injector is provided with a spray nozzle (7) and is disposed

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in the opening of a cavity in the form of a concave seat (9) permitting processional movements of the injector. Kranzle et al. also teaches a rotating jet (8) where the nozzle and the seat are made of different materials than that of the body (3) and the injector (7a) so that wear between the elements is reduced. Kranzle et al. further teaches a rotating jet nozzle with a internal diameter, a seat and a smallest diameter of the seat. However, Kranzle et al. fails to teach that an internal diameter of a rotating jet nozzle is within the range of 2.8 mm to 6 mm, a seat comprised in the range of 4 to 11.5 mm, and the smallest diameter of the seat being 1.7 times greater +/-10% than the internal diameter of the spray nozzle to permit medium pressure supply of the nozzle. It would have been obvious to one with ordinary skill in the art at the time of the present invention to modify the internal diameter, seat and smallest diameter to provide for dimensions that permit the use of a rotating jet nozzle with medium pressure supply away from the teaching of Kranzle et al. of high pressure supply to offer more variety in flow rates to users.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the

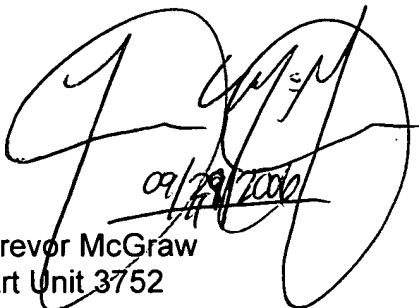
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shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

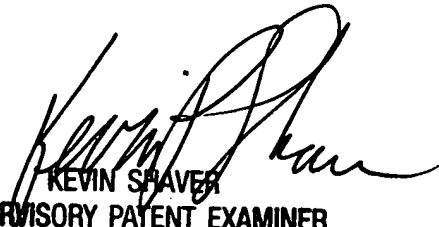
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Trevor McGraw whose telephone number is (571) 272-7375. The examiner can normally be reached on Monday-Friday (2nd & 4th Friday Off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dave Scherbel can be reached on (571) 272-4919. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197, (toll-free).



09/29/2006
Trevor McGraw
Art Unit 3752



KEVIN SHAVER
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3700

TEM